

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ERNEST LEE COX,

Plaintiff,

v.

I. BAL, et al.,

Defendants.

No. 2:22-cv-00804-WBS-EFB (PC)

ORDER

Plaintiff is a state prisoner proceeding without counsel this action brought under 42 U.S.C. § 1983. Defendants moved the court to revoke plaintiff's in forma pauperis status on September 21, 2023, arguing that plaintiff was a "three strikes" litigant under 28 U.S.C. § 1915(g). ECF No. 31. Before the court ruled on the motion, plaintiff paid the filing fee and defendants withdrew the motion. ECF Nos. 39, 41. Defendants have now filed a motion for the court to rescind the September 22, 2022 court order directing the collection of the filing fee from plaintiff's prison trust account (ECF No. 15). ECF No. 42.

Because plaintiff has paid the filing fee for this action, defendant's motion will be granted. Accordingly, it is hereby ORDERED that:


1. Defendants' December 20, 2023 motion asking the court to rescind the fee collection order (ECF No. 42) is GRANTED;
2. The court's September 22, 2022 order directing collection of the filing fee for this

1 action from plaintiff's institutional trust account (ECF No. 15) is RESCINDED;

2 3. The Clerk of Court is directed to return any partial fees collected toward the payment
3 of the filing fee for this action pursuant the September 22, 2022 order;

4 4. The Clerk of Court shall serve a copy of this order upon the Director of the California
5 Department of Corrections and Rehabilitation and deliver a copy of this order to the
6 Clerk's financial division.

7
8 Dated: June 17, 2024


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE